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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,685	10/15/2003	Anand C. Monteiro	VIA-021-PAP	7666
7590 02/08/2006			EXAMINER	
JAQUEZ & ASSOCIATES 6265 Greenwich Drive Suite100d San Diego, CA 92122			CASIANO, ANGEL L	
			ART UNIT	PAPER NUMBER
			2182	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,685

Applicant(s)

MONTEIRO ET AL.

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

- The present Office action is in response to application dated 15 October 2003.
- Claims 1-14 are pending. All claims have been examined.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "118" has been used to designate both "OEN" and "QED" (Figure 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. *It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.*

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamagno et al. [US 2004/0215471 A1].

Regarding claim 1, Tamagno et al. teaches a method for a data communication target protocol in communications between a host interface device and a client interface device (see Figure 2, "110" and "112"). The reference teaches the step of selecting a first protocol that is supported by the client (see Page 1, 0012; "smart card using the first protocol"), such that a first predetermined data and control signal sequence conveyed to the client from the host predictably elicits a response from the client that accords with the supported protocol, wherein the predetermined data and control signal sequence is initiated by the host to invoke the supported protocol (see Page 1, 0012; "first protocol complies with the ISO-7816-3"). The reference also teaches the step of selecting a different second protocol that is unsupported by the client (see Page 1, 0012; "host computer using the second protocol") in that the host does not have access to a unique data and control sequence that will predictably elicit a response, required by such unsupported protocol, when conveyed from the host to the client (see Page 2, 0016; "smart cards typically only support"). Tamagno et al. also teaches determining a need for invocation (see Page 2,

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0019) of the second protocol to effect a particular function ("debugging") in the host that is not explicitly effected by the supported protocol. The reference also teaches conveying the first predetermined data and control signal sequence from the host to the client, receiving a response to the host from the client that accords with the supported protocol and interpreting the response, within the host, to approximately effect the particular function in the host (see Page 2, 0020).

As for claim 2, the reference teaches the first protocol as a data retransmission protocol in which the client retransmits a block of data as a predictable response to an indication of transmission error provided by the host (see Page 1, 0005, "ISO 7816-3 Electronic signals and transmission protocol" and 0012, "first protocol complies with the ISO 7816-3").

As for claim 3, the second protocol is a flow control protocol in which the host causes the client to temporarily suspend new data transmissions (see Page 3, 0035 and 0041; Page 4, 0063, "the host changes the definition of the endpoint when it wants to modify the data direction" and 0069, "device is kept active to avoid a suspend condition while everything is stopped").

As for claim 4, Tamagno et al. teaches determination of a need to interrupt data flow despite absence of a transmission error and including indication of transmission error from the host to the client (see Page 4, 0065-0068; "polls for next interrupt").

As for claim 5, Tamagno et al. teaches temporally contiguous invocations (see Page 4, 0051-0061).

As for claim 6, Tamagno et al. teaches the second protocol as a flow control protocol in which the host causes to temporarily suspend data transmissions (see Page 3, 0035 and 0041; Page 4, 0063 and 0069).

As for claim 7, Tamagno et al. teaches temporally contiguous invocations (see Page 4, 0051-0061).

Regarding independent claim 8, Tamagno et al. teaches the method for controlling data transfers between the host interface device and a client interface device, as disclosed in claim 1. Therefore, the reference also teaches the limitations corresponding to the host interface device apparatus for

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implementing this method. Accordingly, the present claim is rejected under the same basis.

As for dependent claims 9-13, Tamagno et al. teaches the method for controlling data transfers between the host interface device and a client interface device, as disclosed in the previously rejected claims. Therefore, the reference also teaches the limitations corresponding to the host interface device apparatus for implementing the method and the present claims are rejected under the same basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

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establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamagno et al. [US 2004/0215471 A1] in view of Ip [US 6,018,787].

As for claim 14, Tamagno et al. teaches an apparatus including buffers, to be used as data transport mechanisms (see Page 4, 0044). However, the reference does not teach a "buffer not ready signal". Ip teaches a buffer not ready signal (see col. 10, lines 59-60). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to allow a processor to generate wait states during ensuing memory access operations, as taught by Ip (see col. 10, line 66 to col. 11, line 1).

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Pearson [US 6023684 A] teaches, "System made in accordance with the principles of the present invention is shown in FIG. 1. System 10 includes one or more client interfaces 12 each of which communicates client requests and system responses with a client program 30 (FIG. 3) over a communication network, such as an open communication network like the Internet, in a known client communication protocol such as HTTP. Client interface 12 is coupled to one or more application services 14 which process authenticated client requests received from a client interface 12 using data stored in local data memory 16" (emphasis added).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be

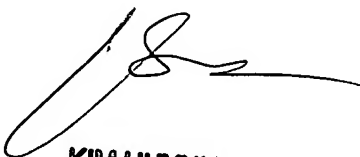
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reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc

02 February 2006


KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/2/06